

REMARKS

Claims 7-38 are active. Support for the amendment of Claim 7 to refer to other antibiotics active against *Chlamydia pneumonia*, and for new Claims 37 and 38, is found *inter alia* in the specification at page 1, lines 19-page 2, line 14, and in the tables on pages 4 and 5. Claims 21-24 have been revised to more clearly refer to method steps. Accordingly, the Applicants do not believe that any new matter has been added.

The Applicants thank Examiner Weddington for the courteous and helpful interviews of August 22, 2003 and September 3, 2003. It was agreed that the restriction requirement of December 10, 2002 would be removed. It was suggested that method claims may be allowable and that the Applicants consider amending the composition claims to recite additional ingredients, such as other antibiotics active against *Chlamydia pneumonia*. The claims have now been so amended. Favorable consideration is respectfully requested.

Restriction Requirement

The Applicants thank Examiner Weddington for indicating that the Restriction Requirement would be withdrawn.

Rejection—35 U.S.C. 112, second paragraph

Claim 11 was rejected under 35 U.S.C. 112, first paragraph, as lacking adequate enablement for other antibiotics active against *Chlamydia pneumonia*. As discussed in the interview, the Applicants point out that page 1, lines 19-26 and page 4, Table 1, describe other antibiotics active against *Chlamydia pneumonia*. Moreover, the Examiner's attention is also directed to the documents cited on the attached IDS, which show that antibiotics, such as macrolides, doxocycline and quinolones are the antibiotics commonly prescribed for the

treatment of *Chlamydia pneumonia*. Accordingly, the Applicants submit that this rejection may be withdrawn.

Rejection—35 U.S.C. 102(b)

Claims 7-10 and 12-15 were rejected under 35 U.S.C. 102(b) as being anticipated by Budavari et al. (U), Merck Index, 12<sup>th</sup> edition, entry 9436, or Della Bella et al. (A), U.S. Patent No. 3,691,229. This rejection is moot in view of the amendment of Claim 7 to require “one or more **other** antibiotic(s) active against *Chlamydia pneumoniae*”. It would not apply to the method claims, as the cited art does not disclose or suggest treatment of *Chlamydia pneumonia* using thiamphenicol or a thiamphenicol derivative.

Rejection—35 U.S.C. 103(a)

Claims 7-10 and 12-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Budavari et al. (U), Merck Index, 12<sup>th</sup> edition, entry 9436, or Della Bella et al. (A), U.S. Patent No. 3,691,229. This rejection is moot in view of the amendment of Claim 7 to require “one or more **other** antibiotic(s) active against *Chlamydia pneumoniae*”. It would not apply to the method claims, as the cited art does not disclose or suggest treatment of *Chlamydia pneumonia* using thiamphenicol or a thiamphenicol derivative.

CONCLUSION

In view of the above amendments and remarks, the Applicants respectfully submit that this application is now in condition for allowance. Early notification to that effect is earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Norman F. Oblon", written over a horizontal line.

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